



February 19, 2021

The Honorable Edgardo Ramos  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: Christa McAuliffe Intermediate School PTO, Inc. v. Bill De Blasio, 18 CV11657 (ER)(OTW)

Your Honor:

We represent Plaintiffs in the above-referenced case, but write on behalf of both Plaintiffs and Defendants. The parties write to request a second amendment to the Civil Case Discovery Plan and Scheduling Order in this case. The Court approved the parties' last extension request on November 2, 2020 (Doc. 135), setting the end of Phase I discovery as March 1, 2021. Since then, substantial progress has been made. Defendants completed production of e-discovery and have taken the deposition of Plaintiffs' expert. However, delays in production caused by the COVID-19 pandemic and other factors have substantially slowed the discovery process and made it impossible for the parties to complete discovery by the current deadline. Therefore, the parties mutually request an extension of the discovery deadline until April 30, 2021. The parties also request that the case management conference set for March 4, 2021 be rescheduled for a date after the close of discovery.

Most notably, due to extenuating circumstances, Defendants' expert report was not served until December 23, 2020. Plaintiffs served expert discovery requests on January 5, 2021. Defendants asked for a two-week extension to respond to the requests, permitting them to produce expert discovery on February 19. Plaintiffs agreed to that extension but note that although the current schedule (Doc. 135) provided for a period of 45 days between receipt of Defendants' responses to expert discovery requests and the close of expert depositions, that time would be compressed to less than two weeks under the current deadline.

In addition, Defendants have stated that they would like to produce a supplemental expert report in response to the deposition testimony of Plaintiffs' expert. The parties have yet to agree on whether the supplemental report is permissible and will bring any dispute over this question to the Court in the form of a letter as soon as possible.

Regardless of whether a supplemental report is permitted, Plaintiffs require time beyond the current March 1 deadline to adequately review Defendants' documents and prepare for and take depositions—especially because one of Plaintiffs' counsel responsible for the depositions is co-counsel for Petitioners in *Cedar Point Nursery v. Shiroma*, currently pending before the Supreme Court (No. 20-107). Petitioners' reply brief in that case is due on March 8, 2021.

For these reasons, the parties propose the following deadline:

All fact discovery (including expert and non-expert depositions) to be completed by April 30, 2021.

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Sincerely,



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